

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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In the Matter Of Disciplinary Proceedings Against :  
 :  
LYNN E. ERICKSON-MEIER, : FINAL DECISION AND ORDER  
Respondent. : LS0403291HAD  
 :

Division of Enforcement  
Case 03 HAD 1

The parties to this proceeding for purposes of §227.53, Wis. Stats., are:

Ms. Lynn Erickson-Meier  
325 S. Main St. # 1  
West Bend, WI 53095

Hearing and Speech Examining Board  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708

Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708

The parties having agreed to the attached stipulation, the Hearing and Speech Examining Board makes the following:

FINDINGS OF FACT

1. Lynn E. Erickson-Meier, 325 S. Main Street # 1, West Bend, Wisconsin, 53095, was born on September 16, 1956 and has been licensed as a hearing instrument specialist in the state of Wisconsin since June 3, 1985, license # 623.
2. On September 10, 2002 a 71 year old patient went to the Respondent's business in response to a printed advertisement promising a free thirty day trial of new digital hearing aids. Respondent performed a hearing evaluation, and the patient purchased two Starkey CIC Axent digital hearing aids for \$6,398.00.
3. The sales agreement provided the patient a free thirty day trial of the hearing aids, and waived the fitting, impression, and preparation fees.
4. The patient took possession of the hearing aids on September 20, 2002, paying for the aids in full.
5. On October 18, 2002 the patient attempted to return the hearing aids for a full refund because the aids had not been working.
6. The Respondent prevailed upon the patient to give Respondent an additional thirty days to try to get the hearing aids to work properly. The patient agreed because she believed that Respondent had orally extended the thirty day free trial period for another thirty days while she tried to get the hearing aids to work properly for the patient.
7. On November 12, 2002 the patient attempted to exercise the return and refund agreement because the aids were not working properly.
8. Respondent refused to honor the return and refund agreement, telling the patient that Respondent had extended the manufacturer's warranty on the hearing aids, but not the trial period.
9. Respondent failed to record any extension of the free thirty day trial period or any extension of the manufacturer's warranty period in the record.
10. On November 19, 2002 Respondent sent in the paperwork to extend the manufacturer's warranty on the patient's hearing aids for another year.

CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction in this proceeding pursuant to §459.10 Wis. Stats.
2. The Wisconsin Hearing and Speech Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to §227.44(5), Wis. Stats.
3. Respondent's failure to disclose the full terms of the sale on the receipt she provided to the patient constitutes a violation of sec. HAS 5.02(2)(g), Wis. Admin. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED, that Respondent is REPRIMANDED.

IT IS FURTHER ORDERED that Respondent shall pay COSTS in the amount of ONE THOUSAND TWO HUNDRED dollars (\$1,200.00), within 60 days of the date of this Final Decision and Order to be paid to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935.

Dated at Madison, Wisconsin, this 1<sup>st</sup> day of November, 2004.

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

Gerard Kupperman  
Member, Wisconsin Hearing and Speech Examining Board